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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,155	11/12/2003	Erol Bozak	09700.0034-00	8251

22852 7590 12/23/2008

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EXAMINER	
FORD, GRANT M	

ART UNIT	PAPER NUMBER
2441	

MAIL DATE	DELIVERY MODE
12/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/712,155	BOZAK ET AL.	
	Examiner	Art Unit	
	GRANT FORD	2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) *5-13* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/9/2008 has been entered.

Response to Arguments

2. Applicant's arguments filed 10/9/2008, with respect to the rejection(s) of claim(s) 1-4 under the prior art of Naik have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Allon, as outlined below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naik et al. (US 2006/0294238), hereinafter referred to as Naik, in view of Allon et al. (5,539,883), hereinafter referred to as Allon.

a. As per claim 1, Naik discloses a method for managing a client server network, said method comprising:

maintaining systems of grid managers in a grid computing environment, wherein said grid managers have hierarchical relations and storing, in each of the systems, the relations of each grid manager (Figure 1, Para. 0048-0052); and

dynamically reconfiguring resource allocations in the grid computing environment to maintain a predetermined resource allocation level (Para. 0105, 0112, 0114-0116, 0122). However, Naik fails to explicitly disclose dynamic reconfiguration of resource allocations by changing hierarchical relations between nodes.

Allon teaches dynamic reconfiguration of resource allocations by changing hierarchical relations between nodes (Col. 5 lines 3-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of dynamic reconfiguration of resource allocations by changing hierarchical relations between nodes with the prior art of Naik. One of ordinary skill in the art would have done so for the purpose of providing for changing hierarchical ordering in the event of a failure of a node such that dynamic reconfiguration may restructure a load balancing tree.

b. As per claim 2, Naik additionally discloses wherein each of the relations are classified as superior or inferior (Para. 0048-0052).

c. As per claim 3, Naik discloses a system comprising:

a network of computer system s, each of the computer systems including a grid manager having hierarchical relations with other grid managers, the relations of each grid manager being stored in each of the systems (Figure 1, Para. 0048-0052); and

a dynamic resource allocator for reconfiguring computer resources in the network of computer systems to maintain a predetermined resource allocation level (Para. 0105, 0112, 0114-0116, 0122). However, Naik fails to explicitly disclose dynamic reconfiguration of resource allocations by changing hierarchical relations between nodes.

Allon teaches dynamic reconfiguration of resource allocations by changing hierarchical relations between nodes (Col. 5 lines 3-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of dynamic reconfiguration of resource allocations by changing hierarchical relations between nodes with the prior art of Naik. One of ordinary skill in the art would have done so for the purpose of providing for changing hierarchical ordering in the event of a failure of a node such that dynamic reconfiguration may restructure a load balancing tree.

d. As per claim 4, Naik additionally discloses wherein each of the relations are classified as superior or inferior (Para. 0048-0052).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GRANT FORD whose telephone number is (571)272-8630. The examiner can normally be reached on 8-5:30 Mon-Thurs alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442

/G. F./
Examiner, Art Unit 2441